



VOSH PROGRAM DIRECTIVE: 12-108B

ISSUED: March 1, 2005

SUBJECT: Commercial Diving Operations, Subpart T of Part 1910

A. Purpose.

CHANGES I and II: This directive consolidated existing VOSH program directives regarding the Commercial Diving Standard. These amendments noted the revocation of §1910.411 and its exemption from Subpart T of Part 1910. **CHANGE III:** Federal OSHA issued an amendment which would allow employers of recreational diving instructors and diving guides to comply with an alternative set of gas mixture requirements which obviate the need for the decompression chamber requirements in the current Commercial Diving Operations.

This Program Directive is an internal guideline, not a statutory or regulatory rule, and is intended to provide instructions to VOSH personnel regarding internal operation of the Virginia Occupational Safety and Health Program and is solely for the benefit of the program. This document is not subject to the Virginia Register Act or the Administrative Process Act; it does not have general application and is not being enforced as having the force of law.

B. Scope.

This directive applies to all VOSH personnel.

C. Reference.

CHANGE III: 69 FR 7351 (February 17, 2004); OSHA Memorandum #04-02 (2/27/04).

D. Cancellation.

VOSH Program Directive 12-108A (October 1, 1992).

E. Action.

Directors and Managers shall ensure that field personnel understand and comply with the standard included in this directive.

F. Effective Dates.

CHANGE I: October 1, 1984.

CHANGE II: April 1, 1986.

CHANGE III: July 1, 2004.

G. Expiration Date.

Not Applicable.

H. Background.

CHANGE I: Section 1910.411, Medical Requirements, contained in the standard for Commercial Diving Operations, Subpart T of Part 1910, was vacated by the U.S. Court of Appeals for the Fifth Circuit. Accordingly, §1910.411 was deleted.

The Virginia Safety and Health Codes [Commission] Board adopted this amendment on August 17, 1984.

CHANGE II. On January 9, 1985, Federal OSHA adopted the amendments to the Commercial Diving Operations Standard, Exemption from Subpart T of Part 1910 (50 F. R. 1046).

The Virginia Safety and Health Codes Board adopted this amendment on November 19, 1985.

CHANGE III: On December 20, 1999, federal OSHA published an order granting a permanent variance to Florida-based Dixie Divers, Inc. (“Dixie Divers”). (64 FR 71242) This variance exempted Dixie Divers from OSHA’s decompression chamber requirements specified at §1910.423(b)(2) and (c)(3)(iii), and §1910.426(b)(1), when its recreational diving instructors and diving guides engage in underwater instructional and guiding operations. Federal OSHA amended §§1910.401 and 1910.402 to reflect these changes.

In issuing the permanent variance, federal OSHA noted that compliance would provide divers with a level of protection that met or exceeded the level of protection they would receive if they had access to a decompression chamber at the dive site as required by §1910.423(b)(2) and (c)(3)(iii), and §1910.426(b)(1). (69 FR 7351)

On April 21, 2004, the Safety and Health Codes Board adopted these federal-identical amendments, with an effective date of July 1, 2004.

I. Summary.

CHANGES I and II: See Background in § H. of this directive.

CHANGE III: Federal OSHA amended its Commercial Diving Operations (CDO) standard to allow employers of recreational diving instructors and diving guides to comply with an alternative set of gas mixture requirements instead of the having to use the decompression-chamber requirements in the current CDO standards.

The final amendment applies only when diving instructors and diving guides engage in recreational diving instruction and diving-guide duties; use an open circuit, a semi-closed-circuit, or a closed-circuit self-contained underwater-breathing apparatus (SCUBA) supplied with a breathing gas that has a high percentage of oxygen mixed with nitrogen; dive to a maximum depth of 130 feet of sea water; and remain within the no-decompression limits specified for the partial pressure of nitrogen in the breathing-gas mixture. These alternate requirements essentially are the same as the terms of a federal variance granted by OSHA to Dixie Divers, Inc. in 1999. (69 FR 7351)

In §1910.401, Scope and Application, federal OSHA added a new paragraph, (a)(3), covering alternative requirements for recreational diving instructors and diving guides. In §1910.402, Definitions, new definitions for “dive-guiding operations” and “recreational diving instruction” were added. (69 FR 7351) OSHA also added a new mandatory Appendix C to Subpart T of Part 1910 entitled, “Alternative Conditions Under §1910.401(a)(3) for Recreational Diving Instructors and Diving Guides.” This mandatory appendix specifies the conditions under which employers may use this alternative to decompression chambers as required under §1910.423(b)(2) or (c)(3) or §1910.426(b)(1).

C. Ray Davenport
Commissioner

Attachments: CHANGES I and II: None.
CHANGE III: 69 FR 7351 (February 17, 2004)
http://www.osha.gov/FedReg_osea_pdf/FED20040217.pdf

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Commercial Diving Operations, Subpart T of Part 1910

As adopted by the
Safety and Health Codes Board

Date: April 21, 2004



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective date: July 1, 2004

When the regulations, as set forth in the revised final rule for Commercial Diving Operations, Subpart T of Part 1910, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms shall be considered to read as below:

Federal Terms

VOSH Equivalent

29 CFR

VOSH Standard

Assistant Secretary

Commissioner of Labor and Industry

Agency

Department

March 18, 2004

July 1, 2004